



PLANNING COMMISSION AGENDA

Monday, February 12, 2007

5:00 p.m. STUDY SESSION
Meeting Procedures and Commission Role
Room # T-550

6:30 p.m. Regular Meeting

Council Chambers
City Hall Wing

200 East Santa Clara Street
San Jose, California

Xavier Campos, Chair
James Zito, Vice-Chair

Christopher Platten	Bob Dhillon
Ash Kalra	
Matt Kamkar	VACANT

Joseph Horwedel, Director
Planning, Building and Code Enforcement

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Xavier Campos** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of ***Monday, February 12, 2007***. Please remember to turn off your cell phones and pagers. Parking ticket validation machines for the garage under City Hall are located at the rear of the Chambers. If you want to address the Commission, **fill out a speaker card (located on the table by the door, on the parking validation table at the back, and at the bottom of the stairs near the AV technician. Deposit the completed card in the basket near the Planning Technician. Please include the agenda item number (not the file number) for reference. Example: 4a, not PD06-023.**

The procedure for this hearing is as follows:

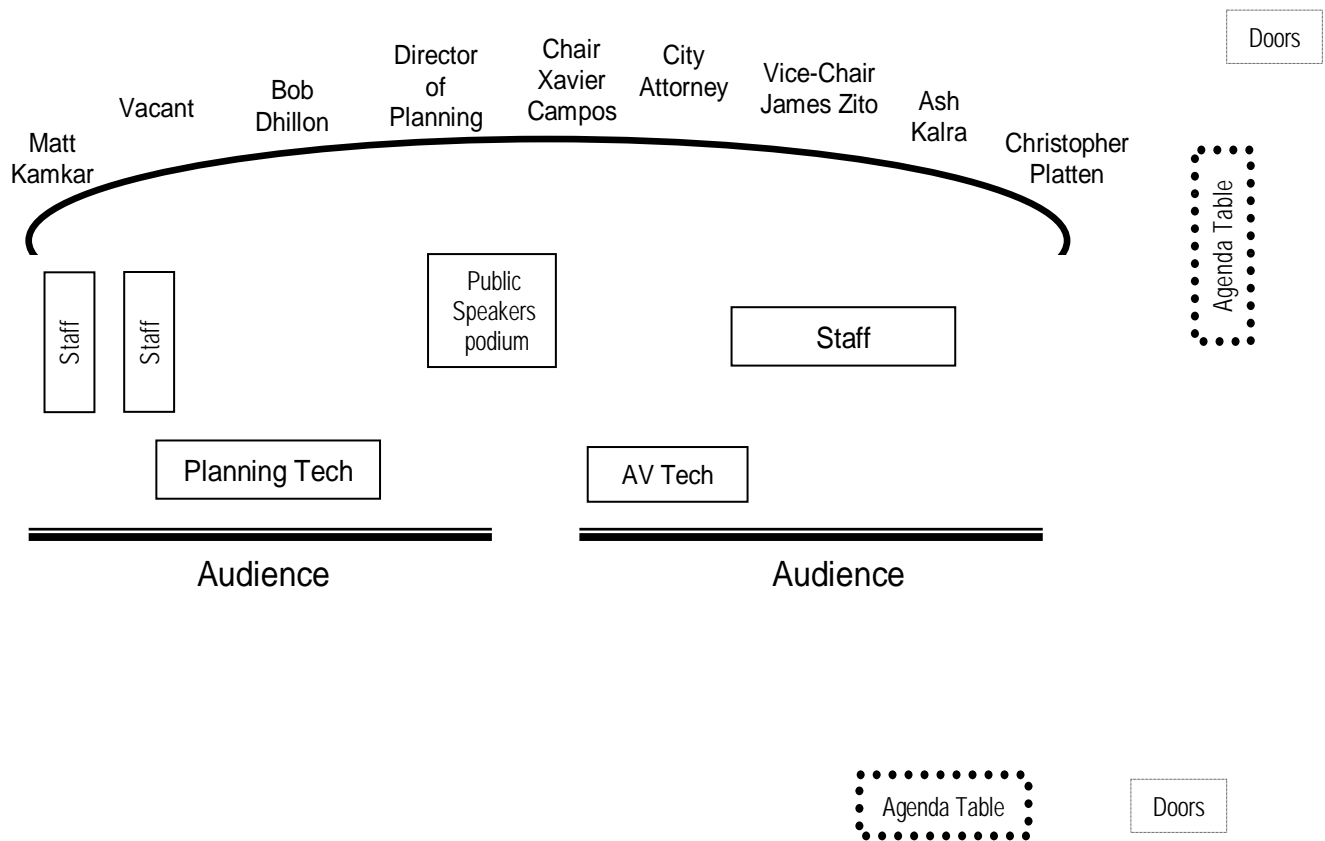
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda questions, please contact Olga Guzman at olga.guzman@sanjoseca.gov

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm> Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table.

Staff will provide an update on the items for which deferral is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time.

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.

Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.

- a. **STREET VACATION**. The vacation of Roberts Lane (a.k.a. extension of Seabury Drive) (3-18161), an approximately 5,800 square foot area that has been closed to traffic since 1974, extending from the eastern end of Seabury Drive northeast to Narvaez Avenue, beneath Highway 87. By taking this action, the City will abandon its right to use the area as a public thoroughfare. The subject right of way is not included in the General Plan. This action does not cause any change to the existing use of the land. No change of ownership will take place. Council District 9. CEQA: Exempt.

Staff Recommendation:

Recommend to the City Council approval of the subject vacation as recommended by Staff.

- b. **PDC06-087**. Planned Development Rezoning from R-M Multiple Residence Zoning District to A(PD) Planned Development Zoning District to allow up to 4 single-family attached residences on a 0.26 gross acre site, located on the east side of Boynton Avenue, approximately 350 feet northerly of Williams Road (962 BOYNTON AV) (Ettefagh Farajollah Et Al, Owner). Council District 1. SNI: Blackford. CEQA: Exempt.

Staff Recommendation:

Recommend to the City Council approval of a Planned Development Rezoning from R-M Multiple Residence Zoning District to A(PD) Planned Development Zoning District to allow up to 4 single-family attached residences as recommended by Staff.

The following items are considered individually.

4. PUBLIC HEARINGS

- a. **CP06-062**. Conditional Use Permit to construct an approximately 35,000 square foot building for the retail sale of vehicles on a 2.4 gross acre site in the CG General Commercial Zoning District, located on the southwest corner of Capitol Expressway and Tully Road (General Growth Properties, Eastridge Shopping Center L.L.C, Owner; Rayjer Properties LLC, Developer). Council District 8. SNI: None. CEQA: Addendum to Mitigated Negative Declaration.

Staff Recommendation:

Approve a Conditional Use Permit to construct an approximately 35,000 square foot building for the retail sale of vehicles as recommended by Staff.

- b. **CP06-028**. Conditional Use Permit to allow off-sale of alcoholic beverages at an existing gasoline service station on a 0.50 gross acre site in the CP Commercial Pedestrian Zoning District, located at/on southeast corner of Blossom Hill Road and Cahalan Avenue (696 Blossom Hill Rd.). Conoco Phillips, Owner; Satnam Petroleum, Developer). Council District 10. SNI: None. CEQA: Exempt.

Staff Recommendation:

Approve a Conditional Use Permit to allow off-sale of alcoholic beverages at an existing gasoline service station as recommended by Staff.

5. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
1. Responding to statements made or questions posed by members of the public; or
 2. Requesting staff to report back on a matter at a subsequent meeting; or
 3. Directing staff to place the item on a future agenda.

6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

7. GOOD AND WELFARE

- a. Report from City Council
- b. Commissioners' reports from Committees:
- Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Campos).

- Coyote Valley Specific Plan (Platten)
 - Parks Funding Subcommittee (Zito)
- c. Review of synopsis
 - d. Consider study session dates and/or topics.
 - e. Distribution of the First Amendment to the Draft Environmental Impact Report for the Baseball Stadium in the Diridon/Arena Area. City File No. PP05-214.

8. ADJOURNMENT

2007 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 17	6:30 p.m.	Regular Meeting	Council Chambers
January 31	6:30 p.m.	Regular Meeting	Council Chambers
Mon. February 12	6:30 p.m.	Regular Meeting	Council Chambers
February 28	6:30 p.m.	Regular Meeting	Council Chambers
March 14	6:30 p.m.	Regular Meeting	Council Chambers
March 28	5:00 p.m.	<i>Study Session</i> <i>Meeting Procedures and Commission Role</i>	T-332
March 28	6:30 p.m.	Regular Meeting	Council Chambers
April 11	6:30 p.m.	Regular Meeting	Council Chambers
April 25	5:00 p.m.	<i>Study Session</i> <i>Level of Service Policy</i>	T-332
April 25	6:30 p.m.	Regular Meeting	Council Chambers
May 2	5:00 p.m.	<i>Study Session</i> <i>Review Capital Improvement Program</i>	T-1654
May 2	6:30 p.m.	Regular Meeting	Council Chambers
May 16	6:30 p.m.	Regular Meeting	Council Chambers
May 30	5:00 p.m.	<i>Study Session</i> <i>Economic Development/Retail Strategy</i>	T-332
May 30	6:30 p.m.	Regular Meeting	Council Chambers
June 13	6:30 p.m.	Regular Meeting	Council Chambers
June 27	6:30 p.m.	Regular Meeting	Council Chambers
July 18	6:30 p.m.	Regular Meeting	Council Chambers
August 8	6:30 p.m.	Regular Meeting	Council Chambers
August 22	6:30 p.m.	Regular Meeting	Council Chambers
September 12	6:30 p.m.	Regular Meeting	Council Chambers
September 26	6:30 p.m.	Regular Meeting	Council Chambers
October 10	6:30 p.m.	Regular Meeting	Council Chambers
October 24	6:30 p.m.	Regular Meeting	Council Chambers
November 7	6:30 p.m.	Regular Meeting	Council Chambers
November 14	6:30 p.m.	Regular Meeting	Council Chambers
November 28	6:30 p.m.	Regular Meeting	Council Chambers
December 5	6:30 p.m.	Regular Meeting	Council Chambers